

**2021-2024  
STATEWIDE TRANSPORTATION IMPROVEMENT  
PROGRAM**

**CURRENT STATUS ON AIR QUALITY CONFORMITY FOR  
2021-2024 STIP**

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## **PURPOSE**

The purpose of this memorandum is to summarize the current air quality conformity status of all the projects in nonattainment and maintenance areas, which are included in the 2021-2024 State Transportation Improvement Program (STIP). Four Metropolitan Planning Organization (MPO) areas in Oregon are classified as maintenance areas. They include:

- Salem-Keizer
- Eugene-Springfield
- Medford-Ashland
- Grants Pass

There are four rural nonattainment and maintenance areas in Oregon, which include:

- Oakridge
- Klamath Falls
- La Grande
- Lakeview

This memorandum shows that all projects in the 2021-2024 STIP will comply with the Oregon State Implementation Plan (SIP).

## **INTERAGENCY CONSULTATION**

An interagency meeting was held on April 29 to discuss rural projects in the 2021-2024 STIP. The interagency members include:

- Federal Highway Administration (FHWA)
- Federal Transit Administration (FTA)
- Environmental Protection Agency (EPA)
- Department of Environmental Quality (DEQ)
- Lane Regional Air Protection Agency (LRAPA)

During the meeting, it was agreed by interagency members that all rural projects in the STIP fall under Table 2 Exempt Projects. A draft of this memorandum was shared with members on May 20. Comments were received and addressed in this memorandum. Additionally, all MPOs were contacted to determine the status of the Metropolitan Transportation Improvement Programs (MTIPs) and Regional Transportation Plans (RTPs).

## **AIR QUALITY CONFORMITY**

Air quality provisions of the Clean Air Act (CAA), as amended, and the ‘United States Code (U.S.C.) Title 23’, are intended to ensure that integrated transportation and air quality planning occurs in areas designated by US Environmental Protection Agency (EPA) as nonattainment or maintenance areas for criteria air pollutants. Conformity with the air quality SIP must be demonstrated for RTP, and MTIP and amendments to RTPs and MTIPs prior to being included in the STIP.

Both RTPs and MTIPs, and associated conformity determinations in nonattainment and maintenance areas must be updated every four years in these areas. However, conformity may still need to be determined more frequently than every four years, because an updated or amended RTP or MTIP still must conform before adoption. MPOs in attainment areas that have completed their 20 years under a maintenance plan do not have air-quality conformity responsibilities.

Oregon has a number of Limited Maintenance Plans. For transportation conformity purposes, EPA concludes that emissions in these areas need not be capped for the maintenance period and therefore a regional emissions analysis is not required. While areas with maintenance plans approved under the limited maintenance plan option are not subject to the budget test, the areas remain subject to other transportation conformity requirements of 40 CFR part 93, subpart A.

Regionally significant projects are subject to regional emissions analysis in RTP/TIP conformity determinations. Also, while non-Federal, regionally significant projects are not subject to project-level conformity determinations, States must ensure that such projects come from a conforming plan and TIP, is included in the regional emissions analysis of a conforming plan/TIP (if in a “donut” area), or part of a regional emissions analysis for an isolated/rural area (40 CFR 93.121)

The following paragraphs briefly review each area’s conformity status starting with the MPO areas and then followed by the rural areas.

### **Portland Metro Carbon Monoxide (CO) Maintenance Area**

The Portland Metro Area Carbon Monoxide (CO) Maintenance period ended on October 2, 2017. Portland Metro is in attainment for all criteria pollutant standards, therefore, the area is no longer subject to conformity requirements, and a conformity analysis is no longer required. However, the measures included in the CO Maintenance Plan remain in place until they are removed from the SIP. The area is subject to the five-year RTP update cycle and this applies from the date of the most recent Metro RTP adoption date.

Additionally, Portland Metro Area is designated as attainment for ozone and measures adopted into SIPs for the 1979 1-hour ozone NAAQS remain in place until they are removed or modified via a SIP submittal with an appropriate 110(l) analysis. The region remains committed and continues to comply with all other elements of the SIP.

On December 6, 2018, the Metro Council adopted the 2018 RTP. The USDOT no longer has to do a conformity determination because Metro is now attainment for all standards. The next RTP adoption date will be December 7, 2023. The anticipated submittal of the 2021-2024 STIP is July 2020. USDOT approval of 2021-2024 MTIP and STIP should occur jointly for all applicable MPOs in September 2020.

## **Salem-Keizer CO Maintenance Area**

The Salem-Keizer Area Transportation Study (SKATS) air quality boundary is designated as a Limited Maintenance Area for CO on March 2, 2009. Under a Limited Maintenance Plan, Areas are not required to conduct a regional emissions analysis as part of their conformity analysis. The Salem-Keizer Area is designated as attainment for ozone and measures adopted into SIPs for the 1979 1-hour ozone NAAQS remain in place until they are removed or modified via a SIP submittal with an appropriate 110(l) analysis.

The SKATS 2019-2043 Regional Transportation System Plan (RTSP) was adopted by the SKATS Policy Committee on May 28, 2019. SKATS submitted the Air Quality Conformity Determination (AQCD) for the SKATS 2019-2043 RTSP to FHWA/FTA for conformity on May 29, 2019. The USDOT made a conformity determination on the SKATS 2019-2043 RTP on March 2, 2020.

The SKATS 2021-2026 TIP was adopted on May 26, 2020. SKATS will submit the conformity demonstration for the 2021-2026 MTIP to USDOT in July 2020. USDOT AQCD for SKATS 2021-2024 MTIP should occur jointly for all applicable MPOs in September 2020.

## **Eugene/Springfield PM<sub>10</sub> Maintenance Area**

The Eugene/Springfield Air Quality Maintenance Area (AQMA) was designated as Limited Maintenance for particulate matter of less than 10 microns (PM<sub>10</sub>) on June 10, 2013. The area ended 20 years under a CO Maintenance Plan on February 4, 2014; therefore, transportation conformity requirements no longer apply for CO.

On May 4, 2017, the Central Lane Metropolitan Planning Organization (CLMPO) Policy Committee adopted the AQCD for PM<sub>10</sub> on the 2040 RTP. The USDOT made a conformity determination on the CLMPO's 2040 RTP on June 26, 2017. The next adoption date of RTP is May 4, 2021. The CLMPO Policy Committee's approval of the AQCD for the 2021-2024

MTIP is June 4, 2020. USDOT AQCD for CLMPO 2021-2024 MTIP should occur jointly for all applicable MPOs in September 2020.

### **Medford Urban Growth Boundary (UGB) CO Maintenance Area Medford/Ashland Air Quality PM<sub>10</sub> Maintenance Area**

The Medford UGB area is designated Limited Maintenance Area for CO on June 30, 2016. The Medford's AQMA is designated as Maintenance Area for PM<sub>10</sub> on December 10, 2004.

The Rogue Valley Metropolitan Planning Organization (RVMPO) Policy Committee adopted the 2017-2042 RTP on March 28, 2017. USDOT last made a conformity determination on the RVMPO 2017-2042 RTP on June 12, 2017. The next RTP adoption date is estimated to be 3/28/2021.

The RVMPO Policy Committee's adoption date of the AQCD for the 2021-2024 MTIP is June 23, 2020. USDOT conformity determination of RVMPO 2021-2024 MTIP should occur jointly for all applicable MPOs in September 2020.

### **Grants Pass CO Maintenance Area and PM<sub>10</sub> Maintenance Area**

The Grants Pass UGB area is designated a Limited Maintenance Area for PM<sub>10</sub> and the Central Business District (CBD) is a Limited Maintenance Area for CO on September 28, 2015.

MRMPO sent a draft conformity document to the air quality interagency consultation group on May 19, 2020. The conformity document is planned for Board adoption in June 2020.

USDOT notified MRMPO via a letter dated May 13, 2020 that on April 21, 2020 they entered the one-year conformity grace period, as they did not meet the four-year requirement for RTP AQCD. The MRMPO Projects in 2018-2021 STIP and MRMPO 2018-2021 remain in effect. During the grace period, MRMPO cannot amend the RTP or TIP and the Oregon Department of Transportation (ODOT) cannot amend the affected portion of the STIP.

The MRMPO will adopt the 2021-2024 MTIP on June 18, 2020. USDOT conformity determination of MRMPO 2021-2024 MTIP should occur in September 2020 along with other applicable MPOs assuming that MRMPO has a conforming RTP in place at that time.

## Isolated Rural Nonattainment/Maintenance Areas

Under the Oregon State Transportation Conformity Rule (OAR 340-252-0060), ODOT is responsible for area-wide conformity determinations in the isolated rural nonattainment and maintenance areas as a part of the STIP project approval process. The rural areas include:

Nonattainment or <u>Maintenance Area</u>	<u>Boundary</u>
Oakridge	PM <sub>10</sub> UGB; PM <sub>2.5</sub> UGB + West Fir Expansion
Klamath Falls	PM <sub>10</sub> and CO UGB; PM <sub>2.5</sub> UGB + Expansion
Lakeview	PM <sub>10</sub> UGB
La Grande	PM <sub>10</sub> UGB

For the purpose of determining conformity with the PM<sub>10</sub>, PM<sub>2.5</sub> and CO SIPs, transportation actions are required to satisfy the applicable criteria and procedures in the State Conformity Rule (OAR 340-252) and the federal conformity rule (40 CFR Part 93). Conformity requirements for rural isolated areas differ from urban areas. Conformity determinations are only required for rural isolated areas when a non-exempt project approval is required. Therefore, normal conformity frequency triggers do not apply in these rural areas.

Project-level conformity determinations are required prior to the first time a project is adopted, accepted, approved or funded (40 CFR 93.105(d)). This includes a NEPA decision document (CE, FONSI, and ROD), final design, project right of way acquisition, or construction approvals for Federal non-exempt projects. Typically, project-level conformity determinations are made concurrent with, or prior to, a project's NEPA decision.

The Draft 2021-2024 STIP has been reviewed to identify any regionally significant or non-exempt projects located in each of the rural nonattainment and maintenance areas. The process was conducted following 23 CFR 450.218(h)<sup>1</sup>. A listing of all projects for each rural area was verified by ODOT's regional personnel. Based on the project descriptions, all projects listed were then identified with one of the following classifications:

- Non-exempt
- Table 2 - exempt
- Table 3 - exempt

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<sup>1</sup> The STIP shall contain all [regionally significant projects](#) requiring an action by the FHWA or the FTA whether or not the projects are to be funded with [23 U.S.C. Chapters 1 and 2](#) or title [49 U.S.C. Chapter 53](#) funds (e.g., the addition of an interchange to the Interstate System with [State](#), local, and/or private funds, and congressionally designated projects not funded under title [23 U.S.C.](#) or title [49 U.S.C. Chapter 53](#)). For informational and [conformity](#) purposes, the STIP shall include (if appropriate and included in any TIPs) all [regionally significant projects](#) proposed to be funded with Federal funds other than those administered by the FHWA or the FTA, as well as all [regionally significant projects](#) to be funded with non-Federal funds.

Table 2 type projects of the rule are exempt from all conformity requirements. Table 3 type projects of the rule are exempt from regional emissions analysis requirements but may require a local hot spot analysis as part of the project level conformity process if federal approval is needed. Project level conformity for the Table 3 projects is addressed during the environmental phase of project development.

On April 29, 2020, an interagency meeting was held with FHWA, EPA, FTA, DEQ and LRAPA and some project sponsors to discuss the rural projects included in the 2021-2024 STIP. The group concurred that all rural projects are Table 2 projects that are exempt from conformity.

Following the approval of this conformity paper for the 2021-2024 STIP, any new rural projects added to the 2021-2024 STIP would be evaluated for conformity using the 2017 update to the FHWA-FTA-ODOT STIP Amendments Matrix. The matrix includes links to the nonattainment and maintenance area maps and lists of all the exempt projects (Table 2 and Table 3).

Congestion Mitigation for Air Quality (CMAQ) program funding will be obligated as projects are approved for financial authorization and developed. CMAQ projects in rural areas were not included in the 2021-2024 STIP. CMAQ projects are meant to reduce CO, PM10, PM2.5 and Ozone and therefore the implementation of these projects will not negatively affect air quality.

Summaries for each of the rural nonattainment and maintenance areas follow.

## Oakridge

The Oakridge UGB is classified as a nonattainment area for PM<sub>10</sub> and PM<sub>2.5</sub>. EPA approved Oakridge PM<sub>10</sub> Attainment Plan on March 15, 1999 and PM<sub>2.5</sub> Attainment Plan on March 12, 2018. The PM<sub>2.5</sub> boundary includes Oakridge and the community of West Fir. No projects are located in Oakridge in the 2021-2024 STIP. The conformity requirements of these new projects will be evaluated as they are added to the STIP. Table 1 is a placeholder for future STIP projects for Lakeview.

TABLE 1  
OAKRIDGE PM<sub>10</sub> RURAL MAINTENANCE AREA (UGB) and PM<sub>2.5</sub> NONATTAINMENT AREA  
2021-2024 STIP PROJECTS

Key #	Project Name	Description	Year	Conformity Status
	NO PROJECTS			



## Klamath Falls

The Klamath Falls UGB is classified as a maintenance area for CO on November 20, 2001 and PM<sub>10</sub> on October 21, 2003. The PM<sub>2.5</sub> boundary is classified as a nonattainment area and includes the Klamath Falls UGB and outlying areas of the city. The STIP projects for Klamath Falls are shown in Table 2. KN21646, KN21650 and KN22042 include exempt activities such as paving, repair and replacement and are considered exempt under 40 CFR 93.126. Project KN 20256 is exempt from conformity under 40 CFR 93.127 (changes in vertical and horizontal alignment) and is exempt under Table 2 Highway Safety Improvement Program Funding. The IAC team agreed all projects are exempt. (IAC April 29, 2020)

TABLE 2  
KLAMATH FALLS CO AND PM<sub>10</sub> MAINTENANCE AREA (UGB) and  
PM<sub>2.5</sub> NONATTAINMENT AREA  
2021-2024 STIP PROJECTS

Key #	Project Name	Description	Year	Project Phase	Conformity Status
21646	US97 Shady Pine Rd - N. Klamath Falls Interchange	Pavement resurfacing to replace deteriorating wearing course at end of useful life.	2021	PE	Table 2 Safety Exempt (pavement resurfacing)(40 CFR 93.126)
21650	US97 N. Klamath Falls Interchange to S. 6th Street	Pavement preservation, active transportation improvements, signal improvements, culvert replacement and/or repair, ADA ramps, and Bridge repair to prevent further damage and increase multi-modal transportation safety.	2021, 2022 & 2023	PE, RW and CN	Table 2 Safety Exempt (pavement resurfacing, bridge repair) Air Quality (Bike, ADA ramps and ped)(40 CFR 93.126)
22042	6th St. Viaduct: Bridge over Spring St. and Union Pacific RR	Rehabilitate the bridge to replace the leaking joints, replace substandard bridge rail, spot paint steel girders, epoxy inject shear cracking and concrete repair spalls and exposed rebar.	2021	PE	Table 2 Safety Exempt (re-construct/repair bridge) (40 CFR 93.126)

Key #	Project Name	Description	Year	Project Phase	Conformity Status
20256	OR140 at OR66 Intersection Improvements	Safety improvements including road and signal relocation, illumination	2019 & 2022	PE, R/W & CN	Table 2 Safety Exempt (uses 100% Federal safety fund, Safety Improvement Program) (40 CFR 93.126)

### Lakeview

The Lakeview UGB area is classified as a maintenance area for PM<sub>10</sub> on June 19, 2006. There are no projects in Lakeview UGB included in the 2021-2024 STIP. The conformity requirements of these new projects will be evaluated as they are added to the STIP. Table 3 is a placeholder for future STIP projects for Lakeview.

TABLE 3  
LAKEVIEW PM10 RURAL MAINTENANCE AREA (UGB)  
2021-2024 STIP PROJECTS

Key #	Project Name	Description	Year	Conformity Status
	NO PROJECTS			

### La Grande

The La Grande UGB area is classified as a maintenance area for PM<sub>10</sub> on June 19, 2006. There are no projects in La Grande UGB included in the 2021-2024 STIP. The conformity requirements of these new projects will be evaluated as they are added to the STIP. Table 4 is a placeholder for future STIP projects for La Grande.

TABLE 4  
LA GRANDE PM10 MAINTENANCE AREA (UGB)  
2021-2024 STIP PROJECTS

Key #	Project Name	Description	Year	Conformity Status
	NO PROJECTS			